IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Crl.Rev.Pet.No. 1798 of 2007(D)

CRA.504/2005 of DISTICT & SESSIONS FAST TRACK (ADCHO II) COURT, KOZHIKODE

CC.237/2004 of JUDL. MAGISTRATE OF FIRST CLASS-II, PERAMBRA

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REVN. PETITIONER: APPELLANT/ACCUSED)

C.RADHAKRISHNAN NAIR,
S/O.SANKARA KURUP, SOUPARNIKA,
IYYAD POST, UNNIKULAM,
KOZHIKODE DISTRICT.

BY ADV. SRI.SREEPRAKASH K.NAIR

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. K.K.GOPI, S/O.UNNI MADHAVA KURUP,
KORANKANDI VEEDU, KINALURE POST,
KOZHIKODE DISTRICT.

2. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. PUZHAKKARA MUHAMMED, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1798 OF 2007

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Dated this the 1st day of June 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a compensation of Rs. 50,000/- vide Section 357(3) Cr.P.C and in default to undergo simple imprisonment for two months.

2. On a consideration of the evidence adduced in the matter, the courts below have concurrently found that the complainant has proved the execution of the cheque and that the same was dishonoured for want of sufficient funds in the account of accused/revision petitioner. The rest of the statutory formalities have also been complied with. I find that the findings of the courts below are supported by sound reasons. There is no reason to interfere in the findings of the courts below. The same are confirmed.

3. All the same, considering the plea of the counsel for the revision petitioner, the revision petitioner is granted six months time from today onwards to remit the compensation amount. He shall appear before Judicial First Class Magistrate-II, Perambra on **01.12.2007** to receive sentence. Non bailable warrant pending if any shall be kept in abeyance till then.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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